

## **REMARKS**

Applicants reply to the Final Office Action dated May 15, 2007 within two-months. Thus, Applicants request an Advisory Action, if necessary. Claims 21-30 and 32-37 were pending in the application and the Examiner rejects claims 21-30 and 32-37. Applicants add new dependent claims 38 and 39. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments and new claims. Reconsideration of this application is respectfully requested.

### **Rejection under 35 U.S.C. § 103(a)**

The Examiner rejects claims 21-30 and 32-34 under 35 U.S.C. § 103(a) as being unpatentable over Shoham et al., U.S. Patent No. 6,584,451 B1 (“Shoham”) in view of Gershman et al., U.S. Patent No. 6,199,099 (“Gershman”) in view of Halbert et al., U.S. Patent No. 6,101,484 (“Halbert”) in view of Bi et al., U.S. Patent No. 6,311,178 (“Bi”) in view of Walker U.S. Patent No. 5,794,207 (“Walker”). Applicants respectfully traverse this rejection. The Examiner did not list claim 34 in the rejection, but the Examiner later commented on claim 34, so Applicants additionally address claim 34.

In the “Response to Arguments” section of the Office Action, the Examiner acknowledges that there is support in the specification for separate vendors. However, the Examiner notes that “the current claim set may conflict with this disclosure” (page 11, paragraph 1). Applicants thank the Examiner for providing suggestions as to how claims 1 and 21 may be clarified in accordance with the specification. Applicants have amended claim 1 to clarify that consumer itineraries which do not include the second different vendor (vendor which obtains the winning bid) are modified. Therefore, only those itineraries that include a booking with a carrier other than the winning carrier are modified to change the booking from the first original carrier to the second preferred carrier.

In general, Shoman discloses a system for aggregating the buying power of individual buyers in order to obtain volume discounts on goods and services. The Shoman system includes a web interface to enable sellers to post products and services for sale, as well as an indication of a minimum low price they are willing to accept. Buyers interact with the system to indicate an interest in certain products and services along with an indication of a maximum price they are

willing to pay. The Shoman system then finds the largest quantity at the smallest price for desired goods and determines if a deal can be completed between the sellers and buyers.

In response to Applicants' previously filed amendments relating to modifying an itinerary based on a winning bid, the Examiner cites Shoman as disclosing this feature. Specifically, the Examiner references column 6, lines 29-60 of Shoman which discloses "Switching Goods." Applicants assert that there are significant differences between the switching of goods of Shoman and the modification of an itinerary as presently claimed in the instant application. Moreover, Applicants note that Shoman generally discloses "switching of goods" in negative terms and several ways to control and discourage such activities (e.g., placing restrictions on which items the consumer bid, charging a fee, etc.)

First, switching goods is common in an online auction environment. For example, a user of the online auction eBay™ may withdraw a bid in favor of entering a bid in another auction. Nonetheless, Applicants assert that a bid is an offer to buy at a certain price, wherein an air carrier booking is a reservation that guarantees that the consumer will have a seat on a given flight. To the contrary, there are no inherent guarantees to a bid, in the sense that the consumer (bidder) will not always be able to purchase the product at the bid price.

More significantly, the bidder is the party responsible for switching his bid from one auction to the next. This is contrary to Applicants' claims where the host is modifying a group of itineraries based on a winning bid by a travel provider. In other words, the bidder of Shoman must monitor a number of auctions in order to determine whether to withdraw a bid from a first auction and place a bid on a second auction. Users of the presently claimed invention need not even be aware of the bidding activities among a number of travel providers, yet may benefit in the form of having their itinerary changed based on a winning bid with more favorable terms. Furthermore, the Shoman system enables bids for individual bidders to be switched from one auction to another; however, Shoman does not disclose a method for modifying itineraries for groups of bidders based on a single auction, where each of the bidders is grouped according to their travel preferences.

The Gershman system provides an Internet shopping portal to users of portable handheld devices such as, for example, laptop computers, cell phones, personal digital assistants, and the like. Specifically, the Gershman system prompts a user to input text relating to a specific item of interest, searches a variety of online merchants for the item, retrieves information relating to each

item found (e.g., price, shipping options, availability, etc.), and formats the results for display according to the user's wireless device configuration. Moreover, Gershman generally discloses a system to enable users to establish and configure various "personas" according to varying circumstances. Thereafter, a user may utilize one of the personas to facilitate searches and purchases based on a particular scenario. For example, a user may have a "personal persona" that includes home address and personal credit card information, while a "work persona" may include a business address and corporate credit card information.

Halbert generally discloses a market equilibrium management system for selling goods and services through an online buying group. According to Halbert, in order to join a buying group, a consumer must indicate a maximum buying price for a product or service. The maximum buying price essentially locks the consumer into making the purchase when a seller is able to meet the buying price. The binding purchase offer is guaranteed by the consumer's credit card. The buyer's information, including the binding purchase offer, is then stored in a database. The Halbert system then collects a group of buyers from the database with binding purchase offers for the same products or services. From this data, the Halbert system is able to create real-time yield management information that can be provided to sellers to recommend a lower price per unit.

Bi generally discloses a computer matching system for conducting international trade. Specifically, the Bi system is limited to an improved search engine, wherein a user can define a number of specific parameters in order to narrow the results. A commerce database contains a number of records for product offers such as product description, market position, date of offer, date of delivery, offering entity, price, volume, etc. A consumer may create a search record that contains various requirement parameters which are used to find products most closely matching the defined requirements.

Walker generally discloses a method and apparatus for facilitating bilateral buyer-driven commerce. Specifically, the Walker system enables a buyer to define conditions relating to a desired purchase of goods and/or services, which are used to construct a binding purchase contract. The system then transmits the binding contract to a number of qualified merchants who may view the contract and make a decision as to whether or not to accept the terms of the contract. If the merchant accepts the terms of the contract, then the merchant enters into the contract with the buyer.

Each of Shoman, Gershman, Halbert, Bi, and Walker disclose systems that enable individual and/or groups of buyers to define a price at which they would be willing to pay for a particular good and/or service. Each reference presents unique methods for buyers to purchase products and/or services that best suit individual needs. **Significantly, each of the cited references disclose well known methods for securing a purchase for items meeting a buyer's purchase rules. Specifically, products and/or services are not designated or reserved for a particular buyer prior to locating a suitable supplier. In other words, if a suitable supplier is not located, then a purchase transaction does not occur.** For example, a buyer wishes to book a flight from New York to London departing on June 6, 2007 and uses one of the cited references' systems to attempt to locate a suitable air carrier on June 2, 2007. If a suitable air carrier is not found by June 6, 2007, then the buyer will not obtain desired travel arrangements.

**Thus, the cited references do not provide a mechanism that allows a plurality of buyers to create a plurality of itineraries including (i) reserved (ii) travel arrangements (iii) with a specific first vendor, and later (iv) modifying the booking with (v) a different second vendor if and when a flight better suiting their preferences is located and when the itinerary does not already include the flight.** As such, neither Shoman, Gershman, Halbert, Bi, Walker, nor any combination thereof, disclose or suggest at least, "modifying a second subset of said plurality of itineraries of said subset to include said travel arrangements with a second different vendor according to said bid, wherein said second subset does not include said second different vendor," as similarly recited by independent claims 21 and 32.

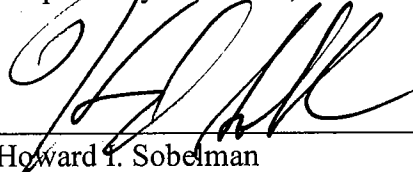
Dependent claims 22-30 and 33-37 variously depend from independent claims 21 and 32. As such, dependent claims 22-30 and 33-37 are differentiated from the cited references for at least the reasons described above, as well as in view of their own respective features.

Moreover, new dependent claims 38 and 39 depend from independent claim 21. As such, new dependent claims 38 and 39 are differentiated from the cited references for at least the reasons described above, as well as in view of their own respective features.

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's

convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814.

Respectfully submitted,



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